

REMARKS

Claims 1-21 are all the claims pending in the application.

I. Claim Rejections under 35 U.S.C. § 101

The Examiner has rejected claims 1-3 and 16-21 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In particular, the Examiner has indicated that these claims are directed to a recording medium storing nonfunctional descriptive material.

Applicant notes that MPEP § 2106(IV) discusses the guidelines for determining whether or not a computer-related invention is patentable subject matter under 35 U.S.C. § 101. This section indicates that "[d]escriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material". In particular, as explained in MPEP § 2106(IV)(B)(1), "non-functional descriptive material" includes music, literary works and a compilation or mere arrangement of data, whereas "functional descriptive material" includes a data structure which imparts functionality when employed as a computer component.

Applicants respectfully submit that claim 1 is not drawn solely to non-functional data such as music or a literary work, but instead, clearly includes a data structure which imparts functionality when employed as a computer component.

For example, regarding claim 1, this claim has been amended to recite that the optical disc is readable by a reproduction apparatus, the reproduction apparatus being operable to read a table and perform a random access reproduction of a video object by referring to the table, the optical disc comprising a data area and a time map area, wherein the table, which is readable by the reproduction apparatus, is recorded in the time map area, and includes recording addresses of the plurality of data units, the recording addresses corresponding to a plurality of reproduction

times that belong to a period during which the video object is reproduced by the reproduction apparatus.

Thus, in claim 1, the data stored on the disc is clearly able to impart functionality when employed as a computer component. For example, the table, which is stored in the time map area of the disc, includes recording addresses of the plurality of data units of the video object, and when read by the reproduction apparatus, enables the reproduction apparatus to perform random access reproduction of the video object.

In view of the foregoing, Applicants respectfully submit that claim 1 is not drawn solely to non-functional data such as music or a literary work, but instead, clearly includes a data structure which imparts functionality when employed as a computer component. As such, Applicants respectfully submit that claim 1 is statutory based on the guidelines set forth in the MPEP, and kindly request that the Examiner reconsider and withdraw the rejection.

Claims 2 and 3 depend from claim 1 and are there considered patentable at least by virtue of their dependency.

Regarding claims 16 and 19, Applicants note that each of these claims is drawn to a "computer-readable recording medium recording a program" that allows a computer to perform particular method steps, wherein the method of claim 16 includes a step of generating a table showing recording addresses of a plurality of data units, the recording addresses corresponding to a plurality of reproduction times that belong to a period during which the video object is reproduced, and the method of claim 19 includes the steps of controlling the reading unit to read the table, referring to the read table and identifying, for each of the plurality of reproduction times, (a) a recording address and (b) a data size of an Intra Picture, and controlling the reading

unit and the reproducing unit to read and reproduce Intra Pictures corresponding to the plurality of reproduction times.

Based on the guidelines set forth in MPEP 2106(IV)(B)(1), Applicants respectfully submit that claims 16 and 19 are clearly considered statutory under 35 U.S.C. § 101, and therefore, Applicants kindly request that the rejection be reconsidered and withdrawn. Claims 17 and 18 depend from claim 16, and claims 20 and 21 depend from claim 19. Accordingly, Applicants submit that these claims are patentable at least by virtue of their dependency.

II. Double Patenting Rejection

Claims 1, 4, 7, 10, 13, 16 and 19 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4-7 of U.S. Patent No. 6,263,155; claims 4, 5, 7 and 8 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3, 5, 6 and 8 of Application No. 09/910,733, now U.S. Patent No. 7,088,912; and claims 4, 6, 7 and 9 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2 and 3 of Application No. 09/910,803, now U.S. Patent No. 7,085,478.

Without acquiescing to the double patenting rejections, in order to expedite prosecution, Applicants are filing herewith a Terminal Disclaimer, thereby overcoming the rejections of claims 1, 4-10, 13, 16 and 19.

III. Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 11, 12, 14 and 15 contain allowable subject matter.

IV. Conclusion

In view of the above, Applicants respectfully submit that all of the claims of the present application are in condition for allowance, an indication of which is kindly requested. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Shinichi SAEKI et al.

By: Kenneth W. Fields
Kenneth W. Fields
Registration No. 52,430
Attorney for Applicants

KWF/dib
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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